

BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA

IN THE MATTER OF)	CASE NOS. 08-025, 08-026,
)	08-027, 08-028, 08-029, and
)	11-014
Jason D. Ebelsheiser, D.C.)	
License No. A06743)	STATE'S RESISTANCE TO
RESPONDENT.)	MOTION TO CONTINUE
)	

COMES NOW, the State of Iowa by and through the undersigned and for its Resistance to Respondent's Motion to Continue respectfully states the following:

1. Respondent seeks continuance of the contested case hearings in the above-entitled matters scheduled for January 11, 2012.
2. Notice of Hearing and Statement of Charges in Case No. 08-025, 08-26, 08-027, 08-028, and 08-029 was originally filed on February 8, 2011, with hearing scheduled for April 12, 2011. That hearing was continued at the Respondent's request to allow him an opportunity to exhaust his criminal appeals, which formed the basis of the Statement of Charges.
3. On November 29, 2011, the Iowa Board of Chiropractic issued an order setting a new hearing date on January 11, 2012.
4. On December 2, 2011, the Board issued a Notice of Hearing and Statement of Charges in Case No. 11-014, which stemmed from Respondent's guilty plea in additional criminal matters in summer 2011.
5. Respondent seeks continuance of both hearings based on his retention of new counsel last week and his recent attempt to voluntarily surrender his license.

6. The State acknowledges receipt of a letter from the Respondent's power of attorney, indicating his desire to voluntarily surrender his license, and his physical license to practice. Respondent is correct that the State is unwilling to dismiss these charges based on the voluntary surrender.

7. The State further acknowledges that Respondent's new counsel, through no fault of their own, were retained less than two weeks prior to hearing. Nevertheless, the State does not believe that continuance of the January 11, 2012 hearing is warranted.

8. These charges originated in 2008 and all concern the Respondent's conviction of various felonies and misdemeanors related to the practice of his profession. The issues of fact at hearing, therefore, are exceedingly narrow.

9. While the Respondent is currently incarcerated and does not pose an immediate risk to the health and safety of the public, these charges stem from serious criminal actions and it does a disservice to the Respondent's victims and to the profession to allow the Respondent to continue to hold himself out as a licensed chiropractor in the State of Iowa.

Respectfully submitted,

THOMAS J. MILLER
ATTORNEY GENERAL OF IOWA



MEGHAN GAVIN AT0008949
Assistant Attorney General
Hoover Building, 2nd Floor
1305 East Walnut Street
Des Moines, Iowa 50319
(515) 281-6736
(515) 281-7551 (FAX)
ATTORNEYS FOR THE STATE

Original Filed.

Copy to:

Gregory T. Racette
Amy Roller
2700 Grand Avenue, Suite 111
Des Moines, IA 50312
Ph: 515-244-0111
Fax: 515-697-4299

Proof of Service

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on the 5th day of January, 2012.

<input checked="" type="checkbox"/> U.S. Mail	<input checked="" type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input type="checkbox"/> Electronically	

Signature: _____

[Handwritten Signature]